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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,829	01/03/2002	B. Philip Minaudo	GP-301120	6564

7590 03/31/2005
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EXAMINER

LEE, Y YOUNG

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,829

Applicant(s)

MINAUDO ET AL.

Examiner

Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-10 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvio et al (5,619,036) in view of McNamara (2002/0067413) for the same reasons as set forth in Section 6 of the previous office action, dated 10/13/04.

Salvio et al, in Figures 1 and 2, discloses a low cost night vision camera for vehicles and mounting thereof that is substantially the same vision enhancement system for use on a vehicle as specified in claims 1-10 and 12-21 of the present invention, the vehicle 1010 having an exterior body portion 1011, comprising a camera 14 mounted to the vehicle 1010 behind the exterior body portion 1011; a door 42

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moveably mounted in the body portion 1011, the door 42 positioned in the camera's line of sight and capable of being moved between a closed position and an open position; and an actuator 44 for selectively positioning the door in one of the open and closed positions; and a controller 10 coupled to the camera 14 and to the actuator for opening the door 42 and activating the camera 14.

With respect to claims 2-10 and 12-21, Figure 1 of Salvio et al illustrates the same night vision enhancement system mounted on a vehicle; Figure 2 illustrates the detailed mounting structures of the system behind the grill; and Figures 3 and 4 illustrate the control structures of the door assembly.

Although Salvio et al discloses a controller 10 for opening the door and activating the camera, it is noted Salvio et al differs from the present invention in that it fails to particularly disclose such action based on ambient light conditions. McNamara however, in Figures 1 and 2, teaches the concept of such well known controller comprises a light detector 24 for controlling a night vision camera based on exterior ambient light falling below a predetermined threshold.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Salvio et al and McNamara before him/her, to exploit the common light detector as taught by McNamara in the night vision enhancement system of Salvio et al, in order to automatically controlling the system when the luminance of the image is below the threshold level.

Response to Arguments

4. Applicant's arguments with respect to claims 1-8, 10, 12-18, 20, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant asserts on page 6 of the Remarks that Salvio et al fails to disclose a decorative emblem. However, it is submitted that although Salvio et al does not advertise any make of car in particular, one of ordinary skill in the art would have no difficulty in recognizing that since the early 1990's, almost every auto maker has come up with some sort of design emblem for its automobiles to display on the grille section of the cars. Therefore, unless by putting a decorative emblem on the grille produces novel and/or unexpected results, applicant's invention is merely considered as well known design options that is obvious to one of ordinary skill in the art because having an emblem provides no significant functional or patentable differences to the vision enhancement system of Salvio et al.

Regarding applicant's argument on pages 7 and 8 of the Remarks that neither Salvio et al nor McNamara discloses the means to control the camera based on detected exterior ambient light conditions, it was clearly stated in the previous office action that McNamara discloses all these means in Figure 2. It is true that McNamara does not disclose opening the door as that claimed by the Applicant. However, examiner does not rely on McNamara to teach such capabilities because they are already disclosed in Salvio et al. McNamara merely provides the motivation that it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both references of Salvio et al and McNamara before him/her, to modify

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the vision enhancement system of Salvio et al to be upgraded as a night vision apparatus by simply utilizing an IR sensor to detect the ambient light threshold to include the same night vision camera means and competitive processing equipment as specified in claims 1-10 and 12-21. With an upgraded night vision system, one of ordinary skill in the art would have had no difficulty in applying subsequent signal processing such as detecting, comparing, and controlling the night vision images from the camera means 14 by the controller 10, as illustrated in Figure 2 of Salvio et al, since IR processing is a necessary and well known technique for any night vision enhancement system.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

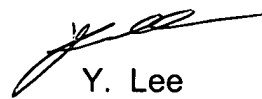
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee
Primary Examiner
Art Unit 2613

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